IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.31870 of 2008
LALIT SAO
Versus
THE STATE OF BIHAR

For the Prosecution:- Mr. Mahendra Thakur, Advocate

For the Respondent:- Mr. Ajay Kumar Sinha, A.P.P.

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2 14.8.2008 Heard learned counsel for the petitioner. Nobody appears for the State.

Case is registered under Section 47(a) of the Bihar Excise Act, 1916.

Learned counsel for the petitioner submits that allegation is of recovery of 40 Litres of country made liquor from a hut wherein allegedly the petitioner was sleeping and he was caught on the spot. It is further submitted that recovery has been made from about 100 yards away from the petitioner's house and hut does not belong to the petitioner and as such there is no recovery from the conscious possession of the petitioner. Petitioner was sleeping out side his house at Chandi Asthan which is the public place. It is stated that the petitioner is in Jail since 12.6.2008.

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In the facts and circumstances of the case, I direct the petitioner namely, Lalit Sao, to be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of S.D.J.M., Sherghati at Gaya in connection with Amas P.S. Case No. 72 of 2008.

P.K. **(Dr. Ravi Ranjan, J.)**